



U.S. Department of Justice

United States Attorney
Southern District of New York

86 Chambers Street
New York, New York 10007

June 17, 2025

Via ECF

Honorable Jennifer H. Rearden
United States District Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: *The New York Times Co. et al. v. U.S. Immigration and Customs Enforcement*,
25 Civ. 4356 (JHR)

Dear Judge Rearden:

This Office represents U.S. Immigration and Customs Enforcement (“ICE”), the defendant in this action brought by plaintiffs The New York Times Company, Albert Sun, and Allison McCann (“Plaintiffs”) regarding three separate requests that Plaintiffs submitted to ICE on March 17, 2025, pursuant to the Freedom of Information Act (“FOIA”).

I write respectfully on behalf of all parties in response to the Court’s order dated June 4, 2025, Dkt. No. 7. The parties do not anticipate the need for discovery or an initial conference in this matter. *See* Local Civil Rule 16.1. Rather, we expect that this case, like most FOIA matters, will be resolved either consensually by the parties or through motions for summary judgment without discovery. *See Wood v. FBI*, 432 F.3d 78, 85 (2d Cir. 2005); *Carney v. U.S. Dep’t of Justice*, 19 F.3d 807, 812 (2d Cir. 1994).

This action is not yet ripe for summary judgment practice because ICE needs time to respond to Plaintiffs’ FOIA requests. ICE’s answer is currently due on June 28, 2025, following service of the summons and complaint on May 29, 2025.

However, Plaintiffs have advised ICE that they intend to amend the complaint to add allegations regarding an additional FOIA request if ICE does not respond to that request by June 30, 2025. ICE has no objection to Plaintiffs’ proposal, and respectfully requests that the Court extend ICE’s current answer deadline until July 21 to account for Plaintiffs’ anticipated amendment of the complaint.

Accordingly, the parties respectfully request that the Court adopt the following schedule for further proceedings:

- **July 7, 2025:** deadline for Plaintiffs to file any amended complaint
- **July 21, 2025:** deadline for ICE to answer the operative complaint
- **August 20, 2025:** deadline for the parties submit a joint status report.

In their joint status report, the parties propose to advise the Court whether they have been able to reach agreement on a schedule for ICE's processing of records responsive to Plaintiffs' FOIA requests in this action. If the parties are not able to reach an agreement by that time, the parties would each set forth their respective proposals for a processing schedule.

I have conferred counsel for Plaintiffs, who join in this proposal. Thank you for your consideration of this matter.

Respectfully submitted,

JAY CLAYTON
United States Attorney

By: /s/ Samuel Dolinger
SAMUEL DOLINGER
Assistant United States Attorney
86 Chambers Street, 3rd Floor
New York, New York 10007
Tel.: (212) 637-2677
samuel.dolinger@usdoj.gov

cc: Counsel of record (via ECF)